



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ELIZABETH HERTEL
DIRECTOR

MEMORANDUM

DATE: September 10, 2021

TO: Health Care Providers and Other Interested Parties

FROM: Elizabeth Hertel, Director *EH*

SUBJECT: Authority to conduct Michigan Maternal Mortality Surveillance and Mandatory Maternal Death Reporting

The Michigan Department of Health and Human Services (MDHHS) conducts surveillance of maternal deaths as required by MCL 333.2221, MCL 333.2616 and MCL 333.2617. As a public health authority, MDHHS is obligated to investigate and determine factors responsible for maternal mortality. Moreover, beginning April 6, 2017, physicians and individuals in charge of health facilities are required to report maternal deaths to MDHHS.

MDHHS is a public health authority as defined by the Health Insurance Portability and Accountability Act (HIPAA), Privacy Rule [45 CFR § 164.501]. Pursuant to 45 CFR § 164.512(b) of the Privacy Rule, covered entities, such as your organization, may disclose, without individual authorization, protected health information to a "...public health authority that is authorized by law to collect and receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of the disease, injury, vital events such as birth or death and the conduct of public health surveillance, public health investigations...".

This memorandum identifies the legal authority for the Michigan Maternal Mortality Surveillance to obtain protected health information from covered entities for the purpose of public health investigation of maternal deaths. The information requested represents the minimum necessary to accomplish the intended purpose of this request [45 CFR § 164.502(b)].

As noted above, beginning April 6, 2017, physicians and individuals in charge of health facilities are required by MCL 333.2617a to submit information about maternal deaths that the physician or individual in charge of a health facility are present for or aware of. This reporting is to be done at the time and in the manner required by MDHHS. MDHHS will provide further guidance on this reporting in a separate document. Maternal death is defined for purposes of section 2617a to mean "the death of a woman who was pregnant at the time of her death or within 1 year before her death."

Health Care Providers and Other Interested Parties

September 10, 2021

Page 2

In addition to the requirements of section 2617a qualifying as public health surveillance allowable under HIPAA, it is also allowable under 45 CFR 164.512(a) as a use or disclosure required by law.

Your assistance is crucial for this public health surveillance to further promote and protect the health and well-being of women, infants, and families in Michigan and is very much appreciated. For more information about Michigan Maternal Mortality Surveillance, you may contact Chris Fussman, MS, Maternal and Child Health Epidemiology Section Manager, at fussmanc@michigan.gov or by telephone at 517-335-9456.

EH:cf